

In re) Fair Hearing No. 16,867
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Appeal of)

The petitioner appeals a decision by the Department of PATH denying her application for VHAP. The issue is whether the petitioner's income exceeds the program maximum.

1. The petitioner lives with her husband and their three minor children.¹ The petitioner's husband is employed with earnings, before taxes, of \$3,311 a month.

2. The Department notified the petitioner that she and her husband would be ineligible for VHAP due to excess income. The Department allowed a deduction of \$90 from the petitioner's husband's earned income as a standard employment deduction, leaving them with a net countable income of \$3,221 a month, which, unfortunately, is slightly over the program maximum of \$3,076 for a five-person household.

3. At a hearing held on January 18, 2001 the petitioner did not contest these figures, but stated that her husband works out of state and has unusually high work-related expenses, including the need to rent an apartment during the

¹ The petitioner's children receive medical coverage through the Dr. Dynasaur program.

workweek.

ORDER

The decision of the Department is affirmed.

REASONS

The VHAP regulations count gross earned income in determining eligibility subject only to specific deductions found in the regulations. W.A.M. § 4001.81. Under the VHAP program, gross earned income from wages is subjected to a \$90 disregard before eligibility is determined. W.A.M. § 4001.81(e). Remaining income is compared with the VHAP maximum, which is 150% of the poverty line. W.A.M. § 4001.84. The current maximum for a five-person household under VHAP is \$3,076. P-2420(B)(6). Unfortunately, there are no provisions in the regulations for deductions for excessive or unusual work-related expenses.

Because the petitioner's household's net income is in excess of the program maximum she cannot be found eligible for VHAP. As the Department's determination to this effect was consistent with its regulations, the Board must uphold it. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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